
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MICHELE LESHA XU, XIAO FENG XU,

Plaintiffs,

versus

CMH HOMES, INC., AMCAP
MORTGAGE LTD.,

Defendants.

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NO. 1:23-cv-00319-MAC-ZJH

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

On October 31, 2023, the court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial management. Doc. No. 18. Plaintiffs Michele Lesha Xu and Xiao Feng Xu filed two amended complaints seeking to add AMCAP Mortgage LTD. as a defendant. Doc. Nos. 24, 36. On June 13, 2024, Judge Hawthorn issued his Report and Recommendation (Doc. No. 41), which recommended striking both amended complaints (Doc. Nos. 24, 36) and denying Plaintiffs’ Motion for Preliminary Injunction (Doc. No. 25).

The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. The parties have not filed objections to the Report and Recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1)(C). After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

It is, therefore, ORDERED that the report and recommendation of the United States Magistrate Judge (Doc. No. 41) is ADOPTED. Accordingly, Plaintiffs' *First Amended Petition* (Doc. No. 24) and *Second Amended Complaint* (Doc. No 36) are STRICKEN. Plaintiffs' *Motion for Preliminary Injunction* (Doc. No. 25) is DENIED.

SIGNED at Beaumont, Texas, this 2nd day of July, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE